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Agenda item 6

REPORT ON OTHER MEETINGS AND ACTIVITIES

Report of the Secretary-General

Addendum

Contribution from the International Women's Strategic Planning Meeting

1. The General Assembly, by its resolution 46/116, requested the Secretary-General to report to the Preparatory Committee on progress made on meetings that had been organized under the auspices of the United Nations programme pursuant to General Assembly resolution 45/155.

2. By letter dated 13 April 1993 the World Young Women's Christian Association, the International Women's Tribune Centre, Change and the Third World Movement Against the Exploitation of Women requested that the report and recommendations of the International Women's Strategic Planning Meeting, organized by the Center for Women's Global Leadership at Rutgers University, United States, be included in the documentation of the fourth session of the Preparatory Committee.

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INTEGRATING WOMEN'S HUMAN RIGHTS INTO DELIBERATIONS OF THE 1993 UN WORLD CONFERENCE ON HUMAN RIGHTS AND INTO THE ON-GOING WORK OF THE UNITED NATIONS

This report and recommendations from the International Women's Strategic Planning Meeting, a satellite conference for the World Conference on Human Rights organized by the Center for Women's Global Leadership at Rutgers University and attended by members of the organizations listed at the end, is submitted by the following non-governmental organizations in consultative status: International Women's Tribune Centre, Change, World Young Women's Christian Association, and Third World Movement Against the Exploitation of Women.

Following on the Petition now sponsored by over 800 organizations worldwide and signed by over 240,000 people in 120 countries calling on the World Conference to "comprehensively address women's human rights at every level of its proceedings" and to recognize "violence against women violates human rights" submitted by many of these same organizations to the Second Session of the Preparatory Committee (A/Conf.157/PC/24/Add.2 of 27 March, 1992),

Conscious that the World Conference on Human Rights provides a unique opportunity for states to consider how the United Nations can more effectively promote and protect women's human rights,

Appreciating resolution 1993/46 of the Commission on Human Rights of 8 March 1993 entitled "Integrating the rights of women into the human rights mechanisms of the United Nations," and resolution 1992/4 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 14 August 1992 entitled "Discrimination against women" which calls for addressing women as a priority issue at the World Conference on Human Rights,

Affirming the recommendations of the Commission on the Status of Women regarding "Women's Rights and Concerns to be Considered Under the Substantive Items of the Provisional Agenda for the World Conference on Human Rights" (E/CN.6/1993/L.5) approved at its Thirty-seventh Session in March 1993) and the resolutions regarding women's human rights adopted in the regional preparatory meetings in Tunis, San Jose, and Bangkok,

We urge governments to take the following measures in order to ensure that women's human rights are fully integrated into the deliberations of the World Conference and into the on-going work of the United Nations in the future:

I. ADVANCE MEASURES TO ENSURE THE INTEGRATION OF WOMEN'S HUMAN RIGHTS INTO THE 1993 WORLD CONFERENCE

1. *Ensure broad, regionally diverse NGO participation in the UN World Conference proceedings. Non-consultative status NGO's (including women's rights NGOs) whose work is relevant to human rights should be permitted to attend as observers, make written and oral interventions and receive the documentation provided to the delegations before and during the Conference.*

2. *Encourage fair and effective participation of women and men in official government delegations and the inclusion in each delegation of persons with an in-depth understanding of a gender-perspective on human rights. Seek participation of women from culturally diverse backgrounds and who are familiar with the multiplicy of human rights abuses facing women worldwide.*

3. *Call on all governments to prepare a report on the state of human rights in their country and to include gender-specific information and analysis in background documentation prepared for the 1993 World Conference.*

4. *Urge the UN Human Rights Centre to incorporate and emphasize gender-specific information and analysis in all the background studies prepared for the World Conference.*

5. *Create formal procedures for communication between NGO delegations meetings and the official World Conference. Such procedures may include briefings by the Secretariat before and after consideration of major agenda items and the distribution of written statements by governments and by NGOs.*

II. INITIATIVES FOR CONSIDERATION BY THE WORLD CONFERENCE TO STRENGTHEN UN PROCEDURES FOR IMPLEMENTING WOMEN'S HUMAN RIGHTS

In order to promote the equal realization of women's civil, political, economic, social and cultural rights, we urge governments to adopt the following measures to strengthen procedures and mechanisms for implementing women's human rights:

1. *Appoint a UN Special Rapporteur on gender-discrimination and violence against women through the Human Rights Commission. The Rapporteur should be authorized to receive and report on information from governments, non-governmental organizations and inter-governmental institutions; to respond*

effectively to allegations of violations against women; and to recommend measures to prevent continuing violations. The Rapporteur should also report to the Commission on the Status of Women to assist their policy-making function.

2. *Strengthen the implementation procedures under the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention)*:

* Call upon governments who have not yet ratified the Women's Convention to do so before 1995.

* Encourage governments to withdraw those reservations to the Women's Convention which are obstacles to its effective implementation.

* Call for expeditious review of the compatibility of reservations with the Women's Convention and remove those reservations determined to be incompatible with the principles and spirit of the Convention.

* Establish a working group in the Commission on the Status of Woman to outline procedures for drafting an optional protocol establishing an individual complaints procedure under the Women's Convention, and support the adoption of such an optional protocol.

* Expand the resources of CEDAW, which is charged with overseeing the governmental implementation of the Convention, to enable it to carry out its mandate by authorizing extended meeting sessions, more support staff, and other forms of financial and structural support.

* Call upon states to effectively implement the Women's Convention through the elimination of discriminatory laws, policies, practices and customs and through the implementation of positive measures necessary to advance the equality of women.

3. *Ensure that all UN treaty committees, thematic and country rapporteurs and working groups, independent experts and all bodies entrusted with protecting human rights address violations of women's human rights, including gender-specific abuses, in the areas that fall within their mandate (through advisory services and training programs, reporting, monitoring and complaints procedures, etc.). Measures necessary to effectively carry out this charge include:*

* Support training for all UN personnel and independent experts to ensure that they will address the full range of human rights abuses specific to women and carry out their work without gender-bias.

* Enable the Program on Advisory Services in Human Rights to assist in the integration of a gender-perspective in all this work.

* Ensure periodic evaluations of the effectiveness of the UN monitoring, reporting and complaints procedures, as well as its advisory services and training programs, in addressing and devising more effective responses to violations of women's human rights.

* Call upon each body to prepare a report on the effectiveness of these initiatives for the 1995 World Conference on Women.

4. *Secure equal representation of women (including women from diverse backgrtounds) on all UN treaty committees and among the special rapporteurs and working groups established by the UN Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and under the Program on Advisory Services in Human Rights.*

5. *Strengthen the implementation of human rights and the inter-relationship and indivisibility of economic, social, cultural, civil and political rights by ensuring that gender-specific information drawn from a variety of women's experiences and gender analysis be included in consideration of all human rights, and of the means for advancing the equal realization of economic, social, cultural, civil and political rights.*

6. *Ensure the effective contribution to the advancement of human rights of the specialized agencies of the UN (such as UNESCO and WHO), as well as other branches of the UN (such as UNDP), whose work bears upon the implementation of women's human rights*:

* Consider measures to integrate gender-specific information and analysis in the work of specialized agencies, including training for relevant personnel and the participation of women affected in the development and evaluation of programs and initiatives.

* Develop effective mechanisms for dialogue and information exchange between the specialized bodies and the international and regional human rights bodies.

* Develop the mechanisms for oversight and periodic evaluation of the effectiveness of these procedures.

* Prepare a report on the effectiveness of these initiatives for the 1995 World Conference on Women.

* Ensure the provision of adequate financial and human resources for these purposes.

7. *Develop procedures to expand access of NGO's with expertise in the field of the human rights of women to all UN structures and activities relating to human rights including the work of the specialized agencies and other bodies.*

8. *Recognize the accountability of UN delegates, personnel and other agents of the UN, for human rights violations, including gender-specific abuses, and develop procedures for implementing this accountability.*

9. *Call for the establishment of an international criminal court, to which individuals have direct access, to provide criminal sanctions and civil remedies against war crimes in both international and internal conflicts, crimes against humanity, and violations of human rights including gender specific abuses, based on international customary law and treaties. In the short-term, an ad hoc War Crimes Tribunal should be established to adjudicate the atrocities, including rape and forced pregnancy, being committed in the former Yugoslavia and in other parts of the world. Such a tribunal should have jurisdiction over crimes committed by United Nations personnel as well as by State officials and individuals.*

10. *Call upon the appropriate UN bodies to simplify the prerequisites for the exhaustion of national remedies so that the time, cost, and inconvenience of pursuing internal remedies no longer presents an obstacle to the effective enforcement of human rights.*

11. *Call upon regional human rights bodies to implement the foregoing recommendations in their respective contexts so as to further the enforcement of international human rights, including women's human rights.*

III. UNIVERSALIZING HUMAN RIGHTS BY INCLUDING WOMEN IN THE SUBSTANTIVE AGENDA OF THE 1993 WORLD CONFERENCE

1. *In reviewing progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights, (Item 9 of the Provisional Agenda) and in considering challenges to the full realization of human rights of men and women (Item 11), governments should examine the issue of violence against women:*

* We urge the World Conference to recommend more effective UN implementation procedures to eliminate the violence against women that is endemic to all societies. Various forms of violence against women breach guarantees established in the Universal Declaration,

the Convention on the Elimination of all forms of Discrimination Against Women, and other human rights instruments, including: the rights not to be arbitrarily deprived of life, liberty and security of person; the right not to be subject to torture or inhuman and degrading treatment; the right to just and favorable conditions of work; the right to equal protection of the law; and the prohibition of gender discrimination.

* The World Conference should recognize specifically that gender violence against women in both the private and public spheres is a violation of human rights and constitutes the gravest form of sexual discrimination. Governments have a responsibility to enforce or create new measures to prevent and respond to this gender specific violence in both these spheres, including affirmative measures to eliminate the conditions that breed this violence.

* We welcome the steps taken recently by the UN to enhance international protection against gender-specific violence through the elaboration of the Draft Declaration on Violence Against Women, adopted by the 1992 inter-sessional meeting of the Commission on the Status of Women. We urge the adoption of this Declaration by the General Assembly as a first step toward more comprehensive and enforceable instruments.

2. ***In considering the full realization of women's human rights, attention must also be paid to the gender-specific needs of women with regard to human rights in areas such as reproductive rights. The rights to life, liberty and security of the person and to equality based on sex, as recognized in the Universal Declaration of Human Rights, require states to respect and ensure the sexual and reproductive integrity and health of women and girls:***

* Fundamental to these rights is protection of the principle of ***bodily integrity***, contained in Article 11 of the 1975 International Women's Year Declaration: "{T}he human body, whether that of women or men, is inviolable, and the respect for it is a fundamental element of human dignity and freedom." Thus women have an individual and social right to determine their sexual orientation, express their sexuality, and make and carry out decisions concerning their fertility.

* Sexual and reproductive integrity as a human right not only prohibits coercion or abuse as a result of state laws, population policies and social customs but also entitles women to affirmative efforts on the part of states and international organizations to foster the social, economic and cultural conditions that will ensure their inviolability, self-determination, health, and livelihood consistent with respect for the diversity among women. Such

conditions include access to safe contraceptive alternatives, abortion, and maternity services provided through participatory, consensual processes, as recognized in the Women's Convention.

3. *Under Item 10 of the provisional agenda which calls for consideration of the relationship between Development, Democracy, and Human Rights, we urge this Conference to recognize that human rights, true democracy and peace are incompatible with poverty and exploitation and to affirm and propose initiatives and mechanisms to implement the indivisibility of political, civil, social, economic and cultural rights and the right to development. Where the social and economic rights guaranteed by the Universal Declaration and the Covenant on Social, Economic and Cultural Rights are denied and the state abdicates responsibility for assuring the livelihoods,-- the food, shelter, work, health, welfare, education and well-being of the people,-- women bear disproportionately the burden of sustaining life. Therefore, we specifically call upon the Conference to consider:*

* Measures to bring about an end to the policies of structural adjustment which lead to violations of economic, social and cultural rights generally and have a particularly severe and discriminatory impact on women. As employed workers in the social service sectors, women are the first to be fired, and as unpaid workers in their households and communities, women exhaust themselves trying to mitigate the terrible effects of the deep cutbacks on basic services, ranging from water supply, to health and education services.

* Review of the international financial institutions and arrangements with a view toward establishing a more just economic order and toward achieving sustainable development in all countries with the inclusion of women from all sectors in the development process.

* Procedures to implement socio-economic rights, such as an optional protocol allowing for individual complaints to the UN Covenant on Economic, Social and Cultural Rights (ICESCR) and to ensure the accountability of States to undertake affirmative measures to guarantee these rights.

4. *Regarding the indivisibility and universality of human rights, all international instruments should be applied equally to women and governments should not use cultural and religious issues to evade responsibility for defending the fundamental human rights of women. As suggested in the resolution on the protection of women's human rights adopted by the African Regional Preparatory Conference in Tunis (A/Conf.157/AFRM/L.5), in considering the need to ensure the universality of human rights, governments should devise measures to counter all forms of religious or cultural intolerance denying women's human rights and liberties.*

5. *Regarding Agenda Item 11 on Contemporary Trends in the challenges to the full realization of all human rights of women and men, discussions of UN peacekeeping activities, emergency response mechanisms, and humanitarian assistance such as aid to victims of the conflicts in Somalia, should pay attention, and develop effective responses to the particular vulnerabilities of women as a group in crisis situations such as armed or ethnic conflict at the international, national or local level. Special consideration must be given to the impact on women of all measures taken under these conditions.*

6. *With respect to refugee women, the Conference should give consideration to their gender-specific needs both in seeking refugee status as well as in the particular situations they face as refugees. We urge the World Conference to consider the following measures:*

* Call for international and national measures recognizing feared or actual persecution based on gender as a basis for refugee status. Such measures include modification of the definition of refugee under the 1951 Convention on the Status relating to Refugees and the 1967 Protocol.

* Governments should be urged to implement immediately the 1991 Guidelines on the Protection of Refugee Women issued by the United Nations High Commissioner for Refugees. In conformity with the 1991 Guidelines, gender-based persecution must encompass rape and domestic violence and other forms of privately inflicted gender-specific violence where it occurs with the "consent or acquiescence" of the state or "where a government cannot or will not protect women...[even though] the government need not itself have been the instigator of the abuse." The recently adopted (1993) Canadian "Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution" provide a thoughtful guide on gender-based refugee status.

* Recognizing that women and children comprise the vast majority of the world's refugees, their health, safety, work and education needs must be recognized and ensured. This includes protection from physical and sexual abuse in general and when imposed as a condition for receiving aid and basic necessities; access to medical and health care, including gynecology, means to prevent or interrupt pregnancies, pre-natal, childbirth and post-natal care; and access to education and employment opportunities and participation in governance and community development programs on an equal basis with men and boys.

7. ***In discussions of "vulnerable groups" under Item 11:***

* We urge the World Conference to recognize that women and other groups which have traditionally been placed under this heading are not groups which are vulnerable per se. They have been made vulnerable to diverse forms of human rights violations by the structures which create and maintain the discrimination and oppression of people based on race, ethnicity, class, sex and sexual orientation, disability, geography, culture, and other considerations. Therefore, in order to achieve the full universalization of human rights these structures of "vulnerabilization" and inequality must be addressed in order to guarantee all persons full participation and enjoyment of human rights.

* Situations which require that special consideration be given to the women because of how they are made vulnerable include: refugees, racial and ethnic minorities, migrants and immigrants, indigenous peoples, lesbians, women affected by HIV/AIDS; young and aging women; economically disadvantaged or exploited women; and women with disabilities.

These recommendations were adopted at the Satellite event -International Strategic Planning Institute convened by the Center for Women's Global Leadership, Douglass College, Rutgers University (USA) , which included participants from the following organizations and countries: Women in Law and Development Africa (Uganda and Sudan); Women Living Under Muslim Laws (Algeria and Bangladesh); League for Human Rights Women's Branch (Egypt) Community Law Center of the University of the Western Cape (South Africa); Asian Women's Human Rights Council (Philippines); AGHS Legal Aid Cell (Pakistan); Beijing Society of Women's Studies (China); Women in Media Collective (Sri Lanka); Change (Britain); Humanistic Committee on Human Rights (Netherlands); Family Violence Prevention Fund (USA); International Women's Human Rights Clinic of the City University of New York Law School (USA); UNIFEM (Peru); Instituto Latinoamericano De Servicios Legales Alternatives (Peru); Feminist International Radio Endeavor (Puerto Rica); Comite Latinamericano de Defensa de los Derechos de la Mujer (Argentina); ILANUD (Costa Rica); Isis International (Chile); and Caribbean Association for Feminist Research and Action (Bahamas).